

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARY A. SMITH,

Plaintiff,

vs.

ARBOR MANOR; SSC FREMONT
OPERATING COMPANY, LLC,
d/b/a ARBOR MANOR; SMV
FREMONT, LLC, d/b/a ARBOR
MANOR; and SMV FREMONT
REALTY, LLC, d/b/a ARBOR
MANOR,

Defendants.

Case No. _____

NOTICE OF REMOVAL
WITH JURY REQUESTED
IN LINCOLN, NEBRASKA

PLEASE TAKE NOTICE that Defendants SSC Fremont Operating Company, LLC; SMV Fremont, LLC, and SMV Fremont Realty, LLC, by and through their counsel fo record, hereby remove the state action described below to the United States District Court for the District of Nebraska. Defendants further state as follows:

1. The state action to be removed to this Court was filed in the District Court of Dodge County, Case No. CI 08-45, and is entitled Mary A. Smith v. Arbor Manor; SSC Fremont Operating Company, LLC, d/b/a Arbor Manor; SMV Fremont, LLC, d/b/a Arbor Manor; and SMV Fremont Realty, LLC, d/b/a Arbor Manor. The action was filed on February 1, 2008.
2. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings and orders served upon Defendants in the state court action are attached hereto marked as Exhibit "A."
3. Plaintiff's "Complaint" in the state court action (attached as part of Exhibit "A") identifies all the corporate defendants as a "foreign corporation incorporated in

the State of Delaware.” Pursuant to 28 U.S.C. §1446(b), this Notice of Removal is timely having been filed within one (1) year after commencement of this action and within thirty (30) days after receipt of the Plaintiff’s Complaint.

4. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332, and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(b) insofar as this is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.
5. Plaintiff’s Complaint establishes that the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, insofar as it seeks damages for past medical expenses (approximating \$347,614.88); medical expenses in the future; physical and mental pain and suffering, past, present and future; loss of function of the mind and body, past, present, and future; loss of enjoyment of life; and additional scaring. (Plaintiff’s Complaint, ¶16).
6. All of the named Defendants in this action, by and through their respective counsel of record, have consented to be joined in this Notice of Removal.
7. Based upon the pleadings and all reasonable inquiry, all named Defendants, by and through their counsel of record, represent as follows:
 - a. Plaintiff is a citizen of Nebraska.
 - b. Defendant **SSC Fremont Operating Company, LLC d/b/a Arbor Manor** is a Delaware limited liability company authorized to conduct business in the State of Nebraska.

- c. Defendant **SMV Fremont, LLC d/b/a Arbor Manor** is a Delaware limited liability company.
 - d. Defendant **SMV Fremont Realty, LLC d/b/a Arbor Manor** is a Delaware limited liability company.
 - e. Defendant **Arbor Manor** is the d/b/a of the above-named Defendant, SSC Fremont Operating Company, LLC, which is a Delaware limited liability company authorized to conduct business in the State of Nebraska.
 - f. Upon information and belief, of all of the named Defendants, only Defendant SSC Fremont Operating Company, LLC, operates as Arbor Manor; Defendants SMV Fremont, LLC, and SMV Fremont Realty, LLC may have some ownership interest in the property where the nursing home operates, but are not involved in the operation of the property as a nursing home.
8. Promptly upon filing this Notice, Defendants represent that they will give notice in writing thereof to Plaintiff and will file a copy of this Notice of Removal with the Clerk of the District Court for Dodge County, Nebraska.

WHEREFORE, Defendants Arbor Manor, SSC Fremont Operating Company, LLC, d/b/a Arbor Manor, SMV Fremont, LLC, and SMV Fremont Realty, LLC pray that this action be removed to the United States District Court for the District of Nebraska.

DATED this 3rd day of March 2008.

ARBOR MANOR; SSC FREMONT
OPERATING COMPANY, LLC, d/b/a ARBOR
MANOR; SMV FREMONT, LLC, and SMV
FREMONT REALTY, LLC, Defendants

BY:



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CERTIFICATE OF SERVICE


I hereby certify that on March 3, 2008, I electronically filed the foregoing **Notice of Removal with Jury Requested in Lincoln, Nebraska** with the Clerk of the Court using the CM/ECF system. I also hereby certify that a true and correct copy of the above foregoing document was sent by first-class United States mail, postage prepaid, on this 3rd day of March 2008, upon the following:

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